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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12
13 RENESSA GREEN, an individual.

Case No.:

14 Plaintiff,

15 **COMPLAINT FOR DAMAGES**

16 v.

17 1. PREMISES LIABILITY

18 UNITED STATES OF AMERICA; and
Does 1 to 50, inclusive.

19 Defendants.

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24 COMES NOW, Plaintiff, RENESSA GREEN, and alleges against
25 Defendants, and each of them, as follows:
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I.

JURISDICTION

1. This action is brought pursuant to the Tort Claims Act, 28 U.S.C. §2671 et seq. Jurisdiction is founded on 29 U.S.C. §§1346(b).

II.

VENUE

2. Venue is proper in the Eastern District of California. The accident giving rise to this complaint occurred at a United States Postal office (USPS) located at 2635 Napa St., Vallejo, CA 94590, which is within the present judicial district.

III.

PARTIES

3. Plaintiff RENESSA GREEN (hereafter "PLAINTIFF") is and at all relevant times was a resident of Napa County, California.

4. Plaintiff is informed and believes and thereon alleges that Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, are and at all times mentioned herein, were public entities, corporations, sole proprietors, shareholders, associations, partners and partnerships, joint ventures, and/or business entities unknown.

5. Defendants DOES 1-50, are sued herein under fictitious names, their true names and capacities being unknown to Plaintiff. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named Defendants is responsible in some manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were proximately caused by those Defendants.

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1 6. At all times relevant herein, Defendant UNITED STATES OF
2 AMERICA is a governmental agency.

3 **IV.**

4 **FACTS COMMON TO ALL ACTIONS**

5 7. Plaintiff is informed and believes, and based upon such information
6 and belief alleges that at all times relevant hereto Defendants UNITED
7 STATES OF AMERICA; and Does 1 to 50, inclusive, are, and at all times
8 herein mentioned were public entities, corporations, sole proprietors,
9 shareholders, associations, partners and partnerships, joint ventures, and/or
10 business entities unknown. At all times herein mentioned, said Defendants
11 were the owners, lessors, sub-lessors, managing agents, landlords, renters,
12 managers, operators, marketers, inspectors, maintainers and controllers, of a
13 United States Postal office (USPS) located at 2635 Napa St., Vallejo, CA
14 94590, (hereinafter referred to as "THE SUBJECT PREMISES"), to which
15 building the general public is invited to come.

16 8. At all times herein mentioned, each of the Defendants were the agents,
17 servants, and employees of their co-defendants, and in doing the things
18 hereinafter alleged were acting in the scope of their authority as agents,
19 servants, and employees, and with permission and consent of their co-
20 defendants. Plaintiff is further informed and believes, and thereon alleges,
21 that each of the Defendants herein gave consent to, ratified, and authorized
22 the acts alleged herein to each of the remaining Defendants.

23 9. On September 28, 2020, Plaintiff submitted a claim based on the
24 allegations herein to Defendant UNITED STATES OF AMERICA for
25 administrative settlement and was rejected on June 24, 2021.

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V.

**FIRST CAUSE OF ACTION
PREMISES LIABILITY
(Against All Defendants)**

10. Plaintiff re-alleges each and every allegation contained in the above Paragraphs 1 through 9, and by this reference incorporates said paragraphs as though fully set forth herein.

11. On or about April 15, 2020, Plaintiff was lawfully on Defendants' premises. Plaintiff was exiting the subject premises when she stepped on and/or tripped on carpet and/or rug, causing her to fall and thereby causing Plaintiff to endure severe injury and pain. The actions of the Defendants and/or its employees were below the standard of care and were the cause of Plaintiff's injuries.

12. On or about April 15, 2020, Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, carelessly and negligently owned, rented, managed, leased, supervised, inspected, operated, maintained and/or controlled the premises located at or near 2635 Napa St., Vallejo, CA 94590, such that it was in a dangerous, defective and unsafe condition in conscious disregard for the risk of harm to invitees thereon. By reason of said carelessness, negligence and conscious disregard of the Defendants, and each of them, said premises were unsafe and dangerous to the general public and specifically Plaintiff, RENESSA GREEN.

13. Defendants UNITED STATES OF AMERICA; and Does 1 to 50, inclusive, and each of them, failed to warn Plaintiff of said dangerous, defective and unsafe condition, although said Defendants, and each of them, knew of said condition.

14. Plaintiff has it on information and belief, and thereby alleges, that, at the aforementioned time and place, Defendants UNITED STATES OF

1 AMERICA; and Does 1 to 50, inclusive, had actual or constructive notice of
2 the dangerous condition, for a sufficient time prior to the injury to have taken
3 measures to protect against the dangerous conditions, and failed to do so, in
4 violation of Government Code §835.

5 15. Government Code §835 is a safety statute that applies in this instance
6 as it is intended to protect the class of people to which the Plaintiff belongs
7 and which the statute is intended to guard against the particular harm suffered
8 by the Plaintiff that occurred as a result of the dangerous condition on
9 Defendants' premises. As such, Plaintiff is informed and believes, and there
10 upon, alleges that Defendants' conduct constitutes negligence.

11 16. Due to these acts and failures to act, Defendants UNITED STATES
12 OF AMERICA; and Does 1 to 50, inclusive, and the employees are liable for
13 Plaintiff's injuries under the Government Code, including but not limited to,
14 Section 815.2.

15 17. As a legal, direct, and proximate result of the above-mentioned
16 conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50,
17 inclusive, and each of them, Plaintiff was injured in her health, strength and
18 activity, sustaining injury to her body, and shock and injury to her person, all
19 of which have caused and continue to cause great physical, mental, and
20 emotional pain and suffering all to her general damages, the exact amount of
21 such to be stated according to proof.

22 18. As a legal, direct, and proximate result of the above-mentioned
23 conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50,
24 inclusive, and each of them, Plaintiff was compelled to and did employ the
25 services of hospitals, physicians, surgeons, nurses and the like, to care for
26 and treat her, and did incur hospital, medical, professional and incidental
27 expenses, the exact amount of such to be stated according to proof.

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1 19. As a legal, direct, and proximate result of the above-mentioned
2 conduct of Defendants UNITED STATES OF AMERICA; and Does 1 to 50,
3 inclusive, and each of them, Plaintiff will necessarily incur additional like
4 expenses for an indefinite period of time in the future, the exact amount of
5 such to be stated according to proof.

6 20. As a direct and proximate result of the negligence, carelessness, and
7 violation of the law by Defendants UNITED STATES OF AMERICA; and
8 Does 1 to 50, inclusive, and each of them, Plaintiff has and will incur a loss
9 of earnings and/or loss of earning capacity, which will be stated according to
10 proof, pursuant to California Code of Civil Procedure section 425.10.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff demands judgment against Defendants as
13 follows:

14 1. For general damages in a sum according to proof;
15 2. For medical, hospital, and related expenses according to proof;
16 3. For loss of earnings according to proof;
17 4. For loss of future earning capacity according to proof;
18 5. For costs of suit incurred herein;
19 6. For such other and further relief as this Court may deem proper.

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21 DATED: December 13, 2021

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25 Daniel Azizi, Esq.
26 Attorneys for Plaintiff,
27 RENESSA GREEN
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JURY TRIAL DEMAND

Plaintiff demands trial by jury of all issues so triable.

DATED: December 13, 2021

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Daniel Azizi, Esq.
Attorneys for Plaintiff,
RENESSA GREEN